## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

MARYANN LOUGHRY, individually, and on)	Case No.: 2:22-cv-4/06
behalf of all other similarly situated )	
consumers,	
Plaintiff,	
vs.	
PETCO ANIMAL SUPPLIES STORES, INC.	
Defendant.	, 

## PLAINTIFF'S MOTION TO VACATE OR ALTER THE JUDGMENT

**COMES NOW** Plaintiff, Maryann Loughry ("Plaintiff"), files this Motion to Vacate or Alter the Judgment of the Court dated August 30, 2023 [ECF 23], pursuant to Fed. R. Civ. P. 59 and 60. For the reasons put forth in the attached Memorandum of Law, Plaintiff will show that a dismissal with prejudice is inappropriate.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's motion and either return the case to a stay, or alter the dismissal to one without prejudice.

Dated: September 18, 2023

Respectfully Submitted,

/S/ Daniel Zemel
Daniel Zemel, Esq.

Zemel Law LLC
660 Broadway
Paterson, New Jersey 07514
(P) (862) 227-3106
DZ@zemellawllc.com
Attorneys for Plaintiff

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of September, 2023 a true and correct copy of the foregoing document was sent to all counsel of record via the Court's ECF system.

/S/ Daniel Zemel
Daniel Zemel, Esq.